

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

In re:	:	Chapter 11
Blackjewel, L.L.C., <i>et al.</i> ,	:	Case No. 19-30289
Debtors, ¹	:	(Jointly Administered)
	:	
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BLACKJEWEL, L.L.C., et al.	:	Adv. Proc. No. 3:20-ap-03008
	:	(Consolidated Cases Adv. Proc. No. 3:20-ap-
Plaintiffs,	:	03012 & Adv. Proc. No. 3:20-ap-03015)
v.	:	
	:	
CLEARWATER INVESTMENT	:	
HOLDINGS, LLC, et al.,	:	
	:	
Defendants.	:	

JOINT MOTION TO STAY SUMMARY JUDGMENT BRIEFING DEADLINES

The Blackjewel Liquidation Trust (the “Trust”), as successor to the Debtors as Plaintiffs in the above-captioned consolidated actions, and Defendants Jeffery A. Hoops, Sr., Clearwater Investment Holdings, LLC, Lexington Coal Company, LLC, Lexington Coal Royalty Company, LLC, Triple H Real Estate, LLC, and Construction & Reclamation Services, LLC (“Defendants”) (together with the Trust, the “Parties”), by and through their respective counsel, jointly move the Court for an order staying indefinitely the summary judgment briefing deadlines set forth in its March 17, 2022 Order Regarding Consolidation and Scheduling [Doc. 103], as amended by the Court’s May 6, 2022 order [Doc. 109] (as amended, the “Order”), pending further motion or future order of the Court. Based on the progress of mediation to date, the Parties believe that further

¹ Debtors in these chapter 11 cases and the last four digits of each Debtor’s taxpayer identification number were as follows: Blackjewel, L.L.C. (0823); Blackjewel Holdings L.L.C. (4745); Revelation Energy Holdings, LLC (8795); Revelation Management Corporation (8908); Revelation Energy, LLC (4605); Dominion Coal Corporation (2957); Harold Keene Coal Co. LLC (6749); Vasant Coal Corporation (2785); Lone Mountain Processing, LLC (0457); Powell Mountain Energy, LLC (1024); and Cumberland River Coal LLC (2213). The Trust is the successor-in-interest to the Debtors as Plaintiffs for purposes of this action.

summary judgment briefing may be unnecessary and would be counterproductive to continued efforts to reach a final consensual resolution.

This joint motion is timely pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and is not made for any improper purpose. The requested extension would serve the interests of justice and would promote judicial economy by avoiding potentially unnecessary fees and effort while the Parties complete the process of the Court-ordered mediation. For the convenience of the Court, a proposed order granting this Motion is attached.

CONCLUSION

For the foregoing reasons, the Parties respectfully request that the Court modify its Order to extend the summary judgment briefing deadlines indefinitely pending further motion or future order of the Court.

Respectfully submitted,

DATED: May 26, 2022

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– and –

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the foregoing **“Joint Motion to Stay Summary Judgment Briefing Deadlines”** was filed and served upon counsel for Defendants via electronic mail this 26th day of May, 2022.

/s/ Scott A. Kane